

AO 91 (Rev. 11/11) Criminal Complaint

Agent:

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Francisco RIVERA-ARROYO

Case No.

Case: 2:24-mj-30497

Assigned To : Unassigned

Assign. Date : 11/20/2024

Description: CMP USA V.

FRANCISCO RIVERA-ARROYO

(Da)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 18, 2024 in the county of Oakland in theEastern District of Michigan, the defendant(s) violated:

Code Section

18 U.S.C. § 922(g)(5)(A)

18 U.S.C. § 922(g)(1)

Offense Description

Alien in Possession of Firearm(s) and/or Ammunition

Felon in Possession of Firearm(s) and/or Ammunition

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: November 20, 2024City and state: Detroit, Michigan

Complainant's signature

USBP Agent Darrald Martin

Printed name and title



Judge's signature

Hon. Elizabeth Stafford, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF
A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Darrauld Adam Martin Jr, being first duly sworn, hereby state as follows:

INTRODUCTION

1. I am a Border Patrol Intelligence Agent with the United States Border Patrol, and I have been employed as a Border Patrol Agent since 2010. I received basic training at the United States Border Patrol Academy and have served in a variety of roles as a Border Patrol Agent including serving in an intelligence capacity for three years. I have investigated federal violations including, but not limited to, immigration crimes, controlled substance crimes, violent crimes, terrorism-related crimes, and firearms offenses. I have received a Bachelor of Science Degree in Criminal Justice

2. This affidavit is submitted for the limited purpose of establishing probable cause in support of a criminal complaint and arrest warrant for Francisco RIVERA-ARROYO, for violations of 18 U.S.C. § 922(g)(1), felon in possession of a firearm(s) and/or ammunition, and 18 U.S.C. § 922(g)(5)(A), alien in possession of firearms(s) and/or ammunition.

3. The information contained in this affidavit is based upon my training and experience, personal knowledge and observations, database record checks, and information provided to me by other law enforcement officers who have personal knowledge of the facts and circumstances described herein. I have also reviewed

records from the official immigration file and system automated data relating to RIVERA-ARROYO. I have not included every fact known to law enforcement related to this investigation.

PROBABLE CAUSE

4. In September 2024, law enforcement officers started investigating Francisco RIVERA-ARROYO, a native and citizen of Mexico, after obtaining information that he was illegally present in the United States and residing in and around Pontiac, Michigan. Law enforcement officers reviewed search warrant returns from RIVERA-ARROYO's Facebook account and found messages and photographs from RIVERA-ARROYO in November 2023 about possessing firearms.

5. Between September 2024 and November 2024, law enforcement officers conducted fixed surveillance at XX Mariva Street, Pontiac, Michigan, a residential property where law enforcement officers believed RIVERA-ARROYO lived. On four separate occasions, law enforcement officers identified an adult male leaving the target residence around the same time each morning. Officers captured an image of the male and compared it to RIVERA-ARROYO's Facebook photographs and prior arrest booking photographs to confirm that the images matched. Based on this pattern of life, law enforcement officials believed that RIVERA-ARROYO resided at the home during overnight hours. Officers also

believed that an adult female and two minors lived at the residence, and that RIVERA-ARROYO was the only adult male living in the home.

6. On November 8, 2024, law enforcement officers obtained a federal search warrant for XX Mariva Street, Pontiac, Michigan. On November 18, 2024, the United States Border Patrol (USBP), with assistance from the ATF and the Oakland County Sheriff's Office (OCSO), executed the federal search warrant at the residence.

7. Law enforcement officers found RIVERA-ARROYO inside the residence with a woman and two minor children. OCSO arrested and transported RIVERA-ARROYO to the Oakland County Jail on an outstanding felony arrest warrant for larceny from a person.

8. After securing the residence, law enforcement officers conducted a search of the premises. Officers searched one of the rear bedrooms and observed only men's clothing in the closet, as well as men's clothing folded on a makeshift clothing rack next to the closet, and men's clothing and construction gear littered on the bed. Based on officers' ongoing investigation, it was believed RIVERA-ARROYO was employed in construction.

9. Officers also found the following items on the bed:

- A men's wallet containing a Mexican identification card displaying RIVERA-ARROYO's photograph and the name of "Oscar Daniel Vargas Jimenez."
- A lanyard with a set of two keys. One key on the lanyard opened the front door of the residence, and the other key opened a small safe located under the bed.

10. The safe contained the following:

- a. A Smith & Wesson M&P 40 .40 caliber pistol bearing serial number DTZ8296. *See* Image 1. A search of the Law Enforcement Information Network (LEIN) revealed the firearm was reported stolen in January 2020.

Image 1



- b. A Taurus Millenium Pro 9mm pistol bearing serial number TZA80322, loaded with five rounds of live 9mm ammunition.
- c. 160 rounds of assorted live 9mm ammunition.
- d. Four live rounds of .40 caliber ammunition.
- e. Approximately \$3,000 in United States currency.
- f. A Mexican identification card with an image of RIVERA-ARROYO, displaying the name of "Erick Gonzalez Martinez," a known alias of RIVERA-ARROYO.
- g. Four empty 9mm magazines and one empty .40 caliber magazine.

11. RIVERA-ARROYO is a native and citizen of Mexico and has no valid immigration status in the United States. On November 27, 2012, RIVERA-ARROYO was removed from the United States to Mexico. After his removal, RIVERA-ARROYO reentered the United States at an unknown date, without having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission.

12. On June 28, 2018, RIVERA-ARROYO was convicted of Unlawful Reentry Following Removal, in violation of Title 8, United States Code, Section 1326(a), a felony offense, in the U.S. District Court for the Eastern District of Michigan and sentenced to 94 days' imprisonment. On July 10, 2018, RIVERA-ARROYO was removed from the United States to Mexico. RIVERA-ARROYO re-

entered the United States at an unknown time without having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission.

13. On July 1, 2020, RIVERA-ARROYO was convicted by guilty plea in the United States District Court for the Northern District of Illinois of Unlawful Reentry Following Removal, in violation of Title 8, United States Code, Section 1326(a), a felony offense, and was sentenced to 16 months' imprisonment on September 4, 2020. On November 20, 2020, RIVERA-ARROYO was released from federal custody after testing positive for COVID-19 and was not removed from the United States by immigration authorities.

14. Based on RIVERA-ARROYO's criminal and immigration history, there is probable cause to believe that RIVERA-ARROYO knows that he is illegally or unlawfully present in the United States and knows that he is a convicted felon and, as such, is prohibited from possessing firearms and/or ammunition in or affecting interstate commerce.

15. Special Agent Josh McLean, an ATF Interstate Nexus Expert, obtained a description of the two firearms and concluded, based on his training and experience, that the recovered firearms were not manufactured in the State of Michigan and, therefore, traveled in or affected interstate commerce.

CONCLUSION

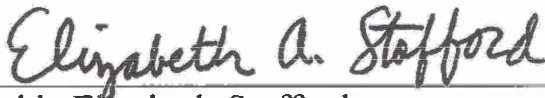
16. Based on the above facts, there is probable cause to believe that on November 18, 2024, within the Eastern District of Michigan, Francisco RIVERA-ARROYO, who is illegally or unlawfully present in the United States and a convicted felon, knowingly possessed firearms, manufactured outside the State of Michigan, knowing that he is a convicted felon illegally or unlawfully present in the United States and prohibited from possessing any firearms or ammunition, all in violation of 18 U.S.C. §§ 922(g)(1) and (5)(A).

Respectfully submitted,



Darrald Martin, Intelligence Agent
Border Patrol

Subscribed and sworn to before me and signed in my
presence and/or by reliable electronic means



Honorable Elizabeth Stafford
United States Magistrate Judge